

000115		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR) <u>104</u>			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Development Services		3. DATE: <u>10/30</u> August 10, 2007			
4. SUBJECT: Drainage easement vacation in Parcel 2 of Parcel Map No. 16694							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) G. Bollenbach Ext. 65417 MS 501		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Anne Hoppe Ext. 65290 MS 501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.							
ORGANIZATION							
OBJECT ACCOUNT							
JOB ORDER							
C.I.P. NUMBER							
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	8/22/07	5	DEPUTY CHIEF	<i>[Signature]</i>	10/7/07
2	EAS	<i>[Signature]</i>	8/22/07				
3	REAL ESTATE ASSETS	<i>[Signature]</i>	8/24/07	6	CITY ATTORNEY	<i>[Signature]</i>	10/1/07
4	LIAISON OFFICE	<i>[Signature]</i>	8/27/07		ORIG. DEPT	<i>[Signature]</i>	10/5/07
					DOCKET COORD:	<i>[Signature]</i>	
					COUNCIL PRESIDENT	<i>[Signature]</i>	
					<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
					<input type="checkbox"/> REFER TO:	COUNCIL DATE: <u>10/30/07</u>	
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Authorizing the vacation of an unneeded portion of a drainage easement in Parcel 2 of Parcel Map No. 16694 as shown on Engineering Drawing No. 20658-B.							
11A. STAFF RECOMMENDATIONS: Approve the resolution							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)							
<u>COUNCIL DISTRICT(S): 8</u>							
<u>COMMUNITY AREA(S): OTAY MESA</u>							
<u>ENVIRONMENTAL IMPACT: THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15301</u>							
<u>HOUSING IMPACT: NONE</u>							
<u>OTHER ISSUES: NONE</u>							
<u>ATTACHMENTS: VICINITY MAP, 20658-B, LEGAL DESCRIPTION</u>							
<u>WORK ORDER NO. 427390 PTS NO. 122418</u>							

000117

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 10, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Drainage Easement Vacation
COUNCIL DISTRICT(S): 8
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of a portion of an unneeded drainage easement in Parcel 2 of Parcel Map No. 16694

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

This project is located in the Otay Mesa Community Plan area, south of Via de la Amistad between Paseo de las Americas and Enrico Fermi Drive. This project consists of vacating a portion of a drainage easement that was granted at no cost to the City by separate document recorded March 12, 1987 as File/Page No 87-128739 of Official Records. This easement is over five years old and has not been used for the purpose for which it was dedicated. Grading and drainage plans as shown on Engineering Drawing No. 34412-D have been submitted for development of a five-building 11 unit business park on this site. In order to develop the site and construct the proposed buildings, it is necessary to modify the drainage system as it was originally designed and vacate a portion of the existing drainage easement. The new plans state that all drainage on this parcel will be private. There is no present or prospective public use of the portion of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

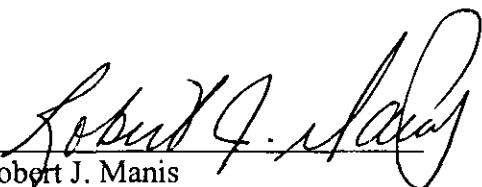
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action

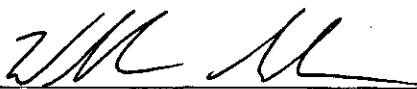
000118

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Mr. Jose Luis Andreau

A handwritten signature in black ink, appearing to read "Robert J. Manis", written over a horizontal line.

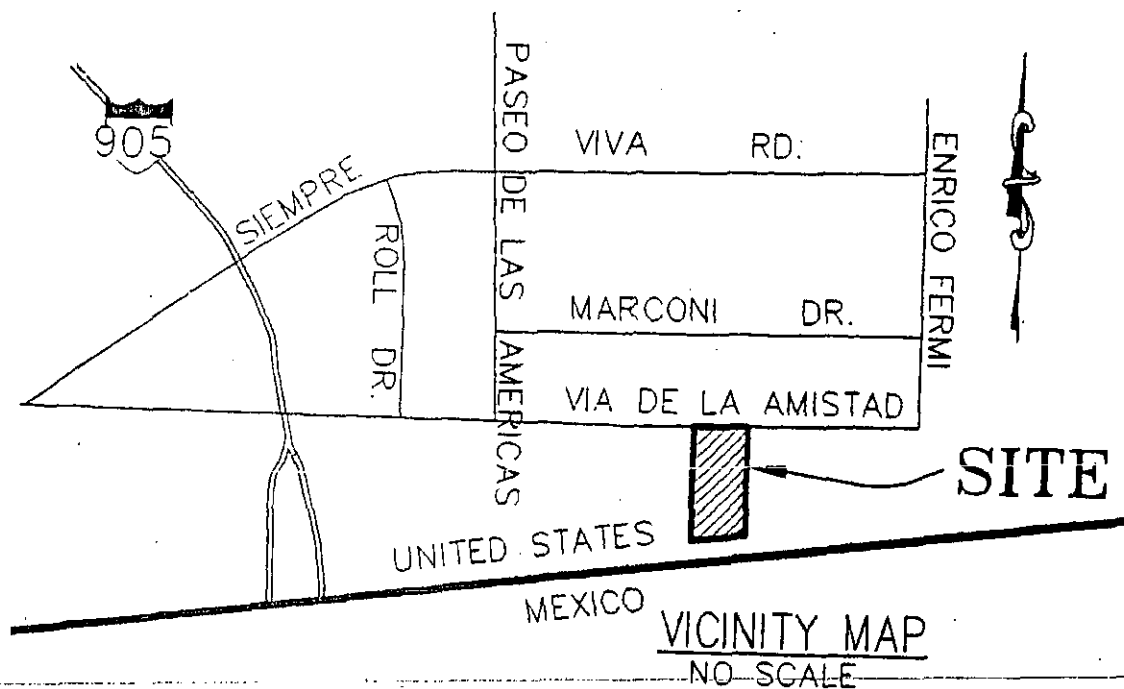
Robert J. Manis
Deputy Director
Entitlement Division-
Development Services

A handwritten signature in black ink, consisting of stylized initials, written over a horizontal line.

Deputy Chief of Land Use and
Economic Development

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DRAINAGE EASEMENT VACATION



W.O. No. 427390 PTS No. 122418

000121

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides a procedure for the summary vacation of easements (pursuant to California Streets and Highways Code section 8330 et. seq.) by City Council resolution where the easement to be vacated has been has not been used for the purpose for which is was acquired for five consecutive years and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of a portion of a drainage easement located within Parcel 2 of Parcel Map No. 16694 to unencumber his property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the drainage easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land made available by the abandonment; and

(c) the vacation is consistent with the General Plan or an approved Community Plan; and

(d) the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the portion of drainage easement located within Parcel 2 of Parcel Map No. 11694, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20658-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

3. That from and after the date this resolution is recorded, the public service easement vacated no longer constitutes a public service easement.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Rachel Lipsky
Rachel Lipsky
Deputy City Attorney

RL:pev

10/01/07

Or.Dept:DSD

R-2008-287

MMS #5259

EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

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EXHIBIT "A"

LEGAL DESCRIPTION

VACATION OF A PORTION OF A DRAINAGE EASEMENT.

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 16694. IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

THE NORTHERLY 78 FEET OF THAT DRAINAGE EASEMENT PARCEL "E" GRANTED TO THE CITY OF SAN DIEGO, RECORDED MARCH 12, 1987 AS INSTRUMENT NO. 87-1287739 OF OFFICIAL RECORDS.

"ATTACHED HERETO IS A DRAWING NO. 20658-B LABEL EXHIBIT "B" AND BY THIS REFERENCE MADE APART HEREOF IS MADE".

AREA = 0.030 ACRE



PTS NO. 122418

JO NO. 427390

DWG NO. 20658-B

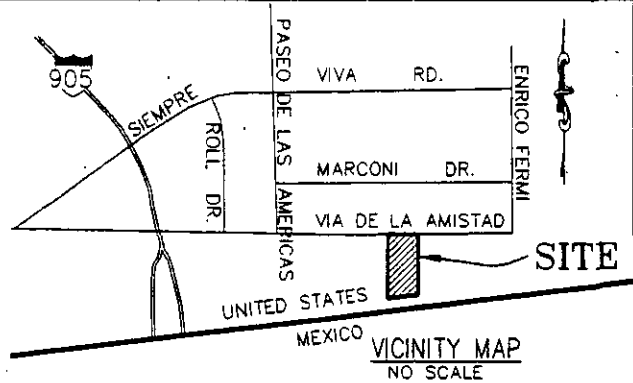
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LEGEND



DENOTES PORTION OF PARCEL "E",
DRAINAGE EASEMENT RECORDED MARCH
12, 1987 AS FILE/PAGE NO.
87-128739, OF OFFICIAL RECORDS,
VACATED.

REFERENCE DRAWING 23009-D
PARCEL MAP NO. 15261
PARCEL MAP NO. 16694
MAP NO. 11163



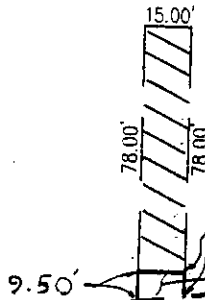
SCALE: 1" = 40'

PARCEL 2

PARCEL MAP NO. 16694

A.P.N. 646-142-31

PARCEL 1

SOUTHWEST CORNER PARCEL 2,
PARCEL MAP NO. 16694PORTION OF EXISTING EASEMENT
TO REMAIN

PARCEL 3

ALTA CONSULTANTS
4901 MORENA BLVD. SUITE 409
SAN DIEGO, CA 92117
TEL. NO. (858) 581-6101

[Signature] 5/14/07
VICTOR RODRIGUEZ FERNANDEZ, LS 5335

VACATION OF A PORTION OF A DRAINAGE EASEMENT
IN PARCEL 2 OF PARCEL MAP NO. 16694

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	J.O.# 427390 PTS# 122418
ORIGINAL	ALTA					
	AEA	7-12-07			<i>[Signature]</i> 14 JUL 07	1780-6351 CCS 83
						140-1789 LAMBERT COORDINATE
						20658- B